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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY KNH DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case Number: '08 MJ 2122
v.	COMPLAINT FOR VIOLATION OF
Jesus Andres VIZCARRA-Ibarra Defendant,	Title 21, U.S.C., Sections 952 and 960 Importation of a Controlled Substance

The undersigned complaint being duly sworn states:

On or about July 13, 2008, within the Southern District of California, Jesus Andres VIZCARRA-Ibarra, did knowingly and intentionally import approximately 287.60 kilograms of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
SPECIAL AGENT
U.S. IMMIGRATION and
CUSTOMS ENFORCEMENT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF July, 2008.

MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I declare under penalty of perjury the following statement is true and correct.

On July 13, 2008 at approximately 6:25 AM, Mr. Jesus Andres VIZCARRA-IBARRA entered the United States from the Republic of Mexico at the Otay Mesa Port of Entry, Otay Mesa California in a 1982 white with blue markings Transportation Manufacturing Corporation (TMC) Commercial Bus bearing U.S. California plates 8R18575. During primary inspection at lane 01, U.S. Customs and Border Protection (CBP) Officer M. Gabbard came in contact with the vehicle and the driver. Prior to coming in contact with the driver, CBP Officer Gabbard had noticed a loud noise coming from the braking system of the bus. CBP Officer Gabbard identified the driver Jesus Andres VIZCARRA-IBARRA and asked about any passengers on board. The driver's name was queried utilizing a Border Crossing Card (B1/B2) and received a negative result.

Thereafter, CBP Officer Gabbard asked VIZCARRA-IBARRA to open all exterior bus doors. CBP Officer Gabbard had asked VIZCARRA-IBARRA if this was his first time crossing and he answered in the affirmative. Once the exterior doors were opened, CBP Officer Gabbard requested assistance from and Otay Mesa K-9. Canine Enforcement Officer (CEO) Cove responded and commenced inspection of the bus with her Narcotic/Human Detector Dog (HNDD) ``Aries'' (CF-81). NHDD Aries alerted to the front vents of the floor of the TMC bus. CBP Officer Gabbard was notified of the alert and was requested to inspect the area where Aries had alerted to. CBP Officer Gabbard looked in the vent area and noticed cellophane wrapped packages. CEO Love was then asked to inspect the area further with and NHDD Aries. The commercial bus was then referred to the Secondary Inspection Area.

At approximately 6:30 AM in the Secondary Inspection area CBP Officer Sorensen began inspection of the commercial bus. CBP Officer Sorensen removed the floor board of the bus and found concealed packages wrapped in plastic cellophane, resembling a brick. CBP Officer Sorensen probed one package for a sample. The sample was field tested using Reagent Test Kit #908 and resulted in a positive result for Marijuana. CBP Officer Sorensen along with CBP Officers Olague, Salgado, and Gutierrez transported the bus to Otay Mesa Cargo East for X-ray. The results revealed anomalies in the floor, gas tank, and an area near the front of the bus. After, the bus was transported to Cargo West for extraction of the narcotics. CBP Officers Sorensen, Salgado, and Gutierrez extracted 16 packages from the AC unit storage area; 06 packages from the oil reservoir; and 35 packages from the interior floor. Robertson Towing removed the gas tank where 24 packages were discovered. A total of 81 packages were removed from the bus with a total weight of 287.60 kilograms (632.72 lbs.)

On July 13, 2008 at approximately 11:59 AM, U.S. Immigration and Customs Enforcement (ICE) Special Agent (SA) J. Johnson and San Diego Police Department (SDPD) Detective M. Rubio contacted VIZCARRA-IBARRA, the driver of the vehicle. Detective Rubio advised VIZCARRA-IBARRA of his constitutional rights per Miranda in the Spanish language reading directly from a preprinted form and witnessed by SA Johnson. VIZCARRA-IBARRA stated that he understood his rights and stated that he was willing to answer questions and signed the Acknowledgement of Rights form in the

Spanish language. Post Miranda, subject denied knowledge of narcotics in the bus.

VIZCARRA-IBARRA stated that he was to cross the border and take the bus to San Diego International Airport, Terminal 2. Once at the airport he was to pick up an unknown amount of passengers and then drive to Rosarito, Mexico. He would be paid $80 dollars to pick up these passengers and return to Mexico. VIZCARRA-IBARRA stated that an unknown male dropped the bus off at the border lane around 6:00 AM. VIZCARRA-IBARRA had seen the bus yesterday and knew this was the bus he was to drive into the United States. VIZCARRA-IBARRA stated that nothing else was explained to him regarding the trip into the United States. If he encountered any problems he was going to call the number posted on the outside of the bus.

VIZCARRA-IBARRA was arrested and charged with violation of Title 21 United States Code, Sections 952 and 960. VIZCARRA-IBARRA, who is a Mexican citizen, was booked into the Metropolitan Correctional Center in San Diego, California. The marijuana and commercial bus were seized by the U.S. Customs and Border Protection. The cellular telephone and registration were seized by Immigration and Customs Enforcement.

Jamisha L Johnson, Special Agent
DHS/ ICE DSAC San Ysidro/ SAC San Diego